

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

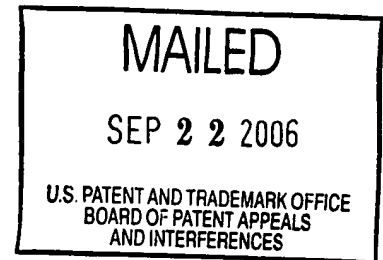
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT G. GANN

Appeal No. 2006-2199
Application No. 09/845,391

ON BRIEF



Before HAIRSTON, JERRY SMITH and MACDONALD, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 6, 8 and 9.

The disclosed invention relates to a photosensor assembly that includes a plurality of sets of lines of photosensors. Each set comprises at least a first line and a second line, and the photosensors in the first line and in the second line have substantially the same pitch. The photosensors in the first line are offset relative to the photosensors in the second line by approximately one-half the pitch, and the spectral bandwidth of the light received by the first line of photosensors differs from the spectral bandwidth of the light received by the second line of photosensors.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A photosensor assembly, comprising:

a plurality of sets of lines of photosensors, each set comprising at least a first line and a second line, where photosensors in the first line and second line have substantially the same pitch, and where photosensors in the first line are offset relative to photosensors in the second line by approximately one-half the pitch, and where the spectral bandwidth of light received by the first line is different than the spectral bandwidth of the light received by the second line.

The references relied on by the examiner are:

Nakamura et al. (Nakamura)	5,025,282	June 18, 1991
Kusaka et al. (Kusaka)	5,652,664	July 29, 1997
Decker et al. (Decker)	6,570,615	May 27, 2003

Claims 1 through 4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Decker in view of Nakamura.

Claims 5, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Decker in view of Nakamura and Kusaka.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejections of claims 1 through 6, 8 and 9.

We agree with the examiner's finding (answer, page 3) that Decker describes a photosensor assembly (Figure 2) that comprises "a plurality of sets of lines of photo-sensors, each set

comprising at least a first line and a second line, where photo-sensors in the first line and the second line have substantially the same pitch, and where photo-sensors in the first line are offset relative to photo-sensors in the second line by approximately one-half the pitch." The first set of lines of photosensors is comprised of red photosensors, the second set of lines of photosensors is comprised of green photosensors and the third set of lines of photosensors is comprised of blue photosensors. The examiner acknowledges (answer, page 3) that Decker "does not teach that the six lines of photo-sensors can all have different spectral bandwidths" According to the examiner (answer, pages 3 and 4), "Nakamura et al teaches on Column 7, Lines 8-17 and depicts in Figure 1 and 2 that when designing a color scanner that uses six lines of photo-sensors, that it is advantageous that the six photo-sensors have six different sensitivities corresponding to two red, two green, and two blue sensitivities . . . in order to allow a scanner to distinguish between color photographic originals and color printed originals." Based upon the teachings of Nakamura, the examiner concludes (answer, page 4) that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the six lines of photo-sensors in the scanner of Decker et al to have six different spectral sensitivities as taught by Nakamura et al. in order to allow a

scanner to distinguish between color photographic originals and color printed originals."

We disagree with the examiner's finding (answer, page 3) that Nakamura is concerned with designing a color scanner with six lines of photosensors. As clearly seen in Figure 1 of Nakamura, the image sensor assembly 20 consists of only a single line of photosensors 20a through 20f. In Nakamura, each of the photosensors in the single line of photosensors has a different sensitivity to received light. In the disclosed and claimed invention, each of the photosensors in a line of photosensors has the same sensitivity to light and receives the same "spectral bandwidth of light." The claimed second line of photosensors paired with the noted line of photosensors receives a "different" "spectral bandwidth" of light. Thus, the obviousness rejection of claims 1 through 4 and 6 is reversed because we agree with the appellant's argument (brief, page 5; reply brief, page 2) that "[a] combination of Decker *et al.* and Nakamura *et al.* teaches only the general structure of staggered line arrays and receiving six spectral bandwidths, but that general teaching does not teach or suggest the specific limitation of receiving a different spectral bandwidth by each line in a staggered array."

The obviousness rejection of claims 5, 8 and 9 is reversed based upon the reasoning set forth supra, and the additional reason that we agree with the appellant's argument (brief, page 6; reply brief, page 3) that the additional reference to Kusaka

Appeal No. 2006-2199
Application No. 09/845,391

is not concerned with "spectral bandwidths of light being received by the photosensors."

DECISION

The decision of the examiner rejecting claims 1 through 6, 8 and 9 under 35 U.S.C. § 103(a) is reversed.

REVERSED


KENNETH W. HAIRSTON
Administrative Patent Judge

Gerry Smith
JERRY SMITH
Administrative Patent Judge

ALLEN R. MACDONALD
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

KH / gw

Appeal No. 2006-2199
Application No. 09/845,391

HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS, CO 80527-2400